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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,462	08/30/2001	Christopher P. Carey	CE08796R	3246

22917 7590 09/23/2004  
MOTOROLA, INC.  
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EXAMINER

CHOW, MING

ART UNIT PAPER NUMBER

2645

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/945,462

Applicant(s)

CAREY ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Specification***

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (line 26, page 2). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

***Drawings***

2. The drawings are objected to because proper legends were missing. A proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles et al (US: 6665530) as applied to claim 1 above, and in view of Jung et al (US: 2001/0025345).

Regarding claims, 1, 5, Broyles et al teach on column 3 line 56 to column 4 line 34, a mobile station sends a first message (RAND and an authentication signature) to the communication network to invoke an authentication procedure at the network.

Broyles et al teach on column 6 line 26 to column 8 line 7, when the first authentication on the network fails, the authentication center sends a message including a unique authentication signature (claimed "first parameter") generated by the authentication center and a unique challenge security value (claimed "second parameter") to the MSC (MSC receives the claimed "a second message"). The unique challenge security value is transmitted from the MSC to the mobile station for generating a unique authentication signature by the mobile station (reads on claimed "the second parameter associated with a second authentication procedure").

Broyle et al failed to teach "a first parameter indicating a status of the first authentication procedure". However, June et al teach on section [0058], a parameter indicating the reason of failure (claimed "status") of the authentication.

Broyle et al teach on column 6 line 26 to column 8 line 7, the mobile station's access is delayed until the unique challenge authentication is completed successfully.

It would have been obvious to one skilled at the time the invention was made to modify Broyle et al to have the "a first parameter indicating a status of the first authentication

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procedure” as taught by Jung et al such that the modified system of Broyle et al would be able to support the system users with a clear message about failure of the first authentication procedure.

Regarding claims 2, the modified system of Broyle et al in view of Jung et al, the “first parameter” (the “unique authentication signature” generated by the authentication center when the first authentication failed) indicates the reason of first authentication failure. Therefore, the first parameter is the claimed “AuthenticationFailureEvent parameter”.

4. Claims 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles et al as applied to claim 1 above, and in view of Jung et al, and further in view of Diep et al (US: 2003/0048764).

Regarding claim 3, the modified system of Broyle et al in view of Jung et al as stated in claim 1 above failed to teach “the first parameter is a Deny Access parameter”. However, Jung et al teach on section [0058] the parameter indicates the reason of authentication failure or authentication denial.

the modified system of Broyle et al in view of Jung et al as stated in claim 1 above failed to teach “if the first parameter is not the deny access parameter, determining whether the first parameter is an authenticationfailureevent parameter; if the first parameter is not the authenticationfailureevent parameter”. “Official Notice” is taken that when a parameter may represent one of three possible statuses (denial, failure, not failure), it is old and well known to one skilled in the art to identify the correct status by determining one after one (for example, if not denial then if failure or not failure).

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The modified system of Broyle et al in view of Jung et al failed to teach “initiating call setup before the second authentication procedure has completed”. However, Diep et al teach on section [0059] call setup before the authentication.

It would have been obvious to one skilled at the time the invention was made to modify Broyle et al in view of Jung et al to have the “if the first parameter is not the deny access parameter, determining whether the first parameter is an authenticationfailureevent parameter; if the first parameter is not the authenticationfailureevent parameter” such that the modified system of Broyle et al in view of Jung et al would be able to support the system users accurately identify correct authentication status.

And, It would have been obvious to one skilled at the time the invention was made to modify Broyle et al in view of Jung et al to have the “initiating call setup before the second authentication procedure has completed” such that the modified system of Broyle et al in view of Jung et al would be able to support the system users an efficient call setup before a further authentication is completed.

Regarding claim 4, Broyle et al teach on steps 450, 470, 490 Fig. 4, when the second authentication procedure failed the call access is denied.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broyles et al as applied to claim 1 above, and in view of Jung et al, and further in view of Patel (US: 6591364).

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The modified system of Broyle et al in view of Jung et al as stated in claim 1 above failed to teach the “second authentication procedure is an SSD update procedure”. However, Patel teaches on column 2 line 33-43, per IS-41, authentication procedure is an SSD update.

It would have been obvious to one skilled at the time the invention was made to modify Broyle et al in view of Jung et al to have the “second authentication procedure is an SSD update procedure” as taught by Patel such that the modified system of Broyle et al in view of Jung et al would be able to support the system users for further verification by updating the SSD.

### *Conclusion*

6. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Amin et al (US: 5953652) teach detection of fraudulently registered mobile phones.

7. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to Central FAX Number 703-872-9306.**

Patent Examiner

Art Unit 2645

Ming Chow



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**

